

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

**IN RE: NATIONAL PRESCRIPTION
OPIATE LITIGATION**

THIS DOCUMENT RELATES TO:

*The County of Cuyahoga, Ohio, et al. v.
Purdue Pharma L.P., et al.*
Case No. 17-op-45004

MDL No. 2804

Case No. 1:17-md-2804

Judge Dan Aaron Polster

**PLAINTIFFS AND H. D. SMITH HOLDING
COMPANIES' JOINT MOTION TO DISMISS DEFENDANTS H. D. SMITH
HOLDINGS, LLC AND H. D. SMITH HOLDING COMPANY**

Plaintiffs, County of Cuyahoga, Ohio and State of Ohio ex rel. Michael O'Malley as Prosecuting Attorney of Cuyahoga County (collectively, "Plaintiffs"), and Defendants, H. D. Smith Holdings, LLC and H. D. Smith Holding Company (collectively, the "H. D. Smith Holding Companies"), by and through the undersigned counsel, submit this joint motion to dismiss H. D. Smith Holdings, LLC and H. D. Smith Holding Company from this action. In support of this joint motion, Plaintiffs and the H. D. Smith Holding Companies state that Plaintiffs' Executive Committee (PEC) has agreed to dismiss the H. D. Smith Holding Companies from the above-captioned matter scheduled for trial on October 21, 2019 ("CT1 Trial"). This dismissal of the H. D. Smith Holding Companies will further streamline the October 21, 2019 CT1 Trial and will alleviate the need for the Court to rule on the H. D. Smith Holding Companies' pending motion to dismiss based on lack of personal jurisdiction, filed on October 2, 2018 (ECF No. 1015).

This motion does not relate to or affect Plaintiffs' claims in this action against Defendant H. D. Smith, LLC (f/k/a H. D. Smith Wholesale Drug Company)—which has been severed for purposes of the October 21, 2019 CT1 Trial—and is limited solely to the claims in this action,

Case No. 17-op-45004,¹ and has no bearing on the cases this Court has assigned as Track Two or any other cases pending in the MDL.

Accordingly, Plaintiffs and the H. D. Smith Holding Companies request that the Court dismiss H. D. Smith Holdings, LLC and H. D. Smith Holding Company from this action, with each such party to bear its own costs, attorneys' fees, and expenses related to this matter.

Dated: August 20, 2019

Respectfully submitted,

/s/ William E. Padgett

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Plaintiffs' Co-Lead Counsel

¹ Neither the H. D. Smith Holding Companies nor H. D. Smith, LLC are defendants in the Summit County lawsuit.

CERTIFICATE OF SERVICE

I, William E. Padgett, certify that the foregoing document was served on August 20, 2019, via the Court's ECF system to all counsel of record.

/s/ William E. Padgett

William E. Padgett